## REMARKS/ARGUMENTS

These remarks are submitted responsive to the Office Action dated October 16, 2008 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

## Claim Rejections – 35 USC § 103

In the Office Action, Claims 1 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,818,920 to Rignell, *et al.* (hereinafter Rignell) in view of U.S. Patent 6,574,486 to Labban (hereinafter Labban), U.S. Patent 6,853,711 to Brisebois, *et al.* (hereinafter Brisebois), GB 2284965 to Seppo (hereinafter Seppo) and U.S. Patent 6,934,543 to Wang, *et al.* (hereinafter Wang).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1. Applicants have cancelled Claims 2-22. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### *Aspects of Applicants' Invention*

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by

amended Claim 1, is a method for providing an originating party utilizing an originating pervasive Communication Device (PCD) with information local to a receiving party utilizing a receiving PCD.

The method can include identifying an attempt to originate a call or a message from the originating PCD to the receiving PCD; prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD; upon the caller deciding to receive the information local to the receiving PCD, sending a request for the local information to a service provider of the receiving PCD from a service provider of the originating PCD; and retrieving the information local to said receiving PCD by the service provider of the receiving PCD. The local information comprises a current time, date, and location of said receiving PCD and information indicating whether the receiving party is not to be disturbed.

The method also can include querying the originating party as to whether to display the current location information of the receiving party; and supplying the retrieved local information to the originating party. Whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query.

The method further can include prompting the originating party to select an appropriate action among available actions upon receiving the local information of the receiving party. The available actions include connecting the call or message to the receiving party, deferring the call or message to a more appropriate time, sending the call or message to a voicemail or mail box of the receiving party, and disconnecting the call or message. If the originating party indicates that the call or message is urgent, determining whether to send an alert signal to the receiving PCD based on the determined local information and the received indication.

See, e.g., Specification, page 8, line 20 to page 11, line 18; see also Figs. 1-2.

***The Claims Define Over The Prior Art***

The pervasiveness of wireless technology and the Internet have created a niche for handheld devices, hereinafter, pervasive communication devices (PCDs), used to access various services offered by wireless service providers. These PCDs can include, but are not limited to, personal digital assistants, PDA, wireless telephones, pagers and handheld computers. Several consortiums have been formed to provide standard interfaces for these handheld devices. The Wireless Application Protocol (WAP) Forum and Third Generation Partnership Project (3GPP) are exemplary consortiums. WAP is a de facto protocol which defines a communication standard for wireless information and telephony services. WAP utilizes existing Internet standards such as hypertext transfer protocol (HTTP), extensible markup language (XML) and Internet Protocol (IP) for providing wireless services. For example, existing XML syntax is utilized to provide a syntax for a new wireless markup language (WML). Moreover, WAP utilizes existing application development methodologies such as common gateway interface (CGI), active server pages (ASP), network server application program interface (NSAPI), Java, and Servlets (a Java program that extends the functionality of a Web server, generating dynamic content and interacting with Web clients using a request-response paradigm) to provide content to subscribers having PCDs. See Specification, page 1, line 7-page 2, line 3.

Notably, given the large market penetration of these PCDs and the need to gain immediate market share, it is critical that new standards, such as WAP and 3GPP, provide communication components that map onto existing mobile device interfaces and platforms when offering new services. While subscribers having these PCDs crave for these new services, the maintenance of a subscribers privacy is tantamount to the use of any new service. Significantly, even though a subscribers' desire is to be connected all the time independent of location, the subscriber always wants to maintain the autonomy of receiving a call only when it is appropriate to do so. For example, when a subscriber travels outside a home time zone (or dateline), a caller might not know what time is

convenient to place a call to the traveling subscriber. Therefore, the subscriber's privacy and solitude can be compromised by the receipt of unimportant calls at peculiar hours. Consequently, a service is needed wherein a subscriber using a pervasive communication device PCD can maintain privacy associated with the autonomy of receiving calls when it is appropriate to do so. See Specification, page 2, lines 4-17.

The present invention discloses a method for providing call recipient local information for a pervasive communication device (PCD). The method can include the steps of initiating a call from an originating PCD to a receiving PCD and receiving information which is local to the receiving PCD from a service provider servicing the receiving PCD. The determined local information can be provided to the originating PCD. The call can accordingly be disposed of based on the received local information. The local information can be any one or more of a time, a date and a location where the receiving PCD is currently stationed. The local information can be determined by acquiring the information from a time source. The disposing step can include, selecting an action from the group of actions consisting of permitting the connection of the call to the receiving PCD, permitting connection of the call to a voice mail, and disconnecting the call. For example, if the information dictates that the called party should not be disturbed, then the call can be disconnected or routed to a voicemail. See Specification, page 3, lines 2-21.

As already discussed in the previous response, Ringell discloses a method and system for preventing calls in a telecommunications network from being connected during specified periods of time, such as when calls to the desired communication terminal have been forwarded to a new communication terminal in a new time zone and the subscriber at the calling communication terminal is unaware of the local time of the new communication terminal. In Ringell, a prevention device is provided. Ringell's device informs the calling communication terminal of the local time of the new communication terminal prior to connection and requests the calling communication terminal to confirm whether the communication connection should be made, or

automatically prevents the connection from being made and informs the calling communication terminal that the connection will not be made. See the Abstract.

It is noted that in Ringell the local information only includes the local time, whereas in the present invention the local information includes a current time, date, and location of the receiving device and information indicating whether the receiving party is not to be disturbed.

It is also noted that Ringell does not disclose prompting the originating party to decide whether or not to receive information local to the receiving party, as recited in independent Claim 1 of the instant application. In contrast, in Ringell the prevention device informs the calling communication terminal of the local time of the new communication terminal prior to connection without prompting for the decision of the calling party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18). It was asserted in the Office Action that one of ordinary skill in the art would clearly recognize whether automatic or manual operation to provide the requested information. However, it is not clear how one of ordinary skill in the art would clearly recognize prompting the originating party to decide whether or not to receive information local to the receiving party from the disclosure of automatically forwarding the information about the local time of the time zone of the called party to the calling party as in Ringell.

It is further noted that Ringell does not disclose querying the originating party as to whether to display the current location information of the receiving party, wherein whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query, as recited in independent Claims 1, 8, and 9 of the instant application. In the present invention, the caller can decide if the location of the called party should be displayed. For example, for a display of local information such as "It is now Thursday Apr. 27, 6:00 pm GMT or 4:00 am on Friday Apr. 27 in Sydney Australia," if the caller does not wish the location to be disclosed, then an alternate message can be "It is now Thursday Apr. 26, 6:00 pm GMT or 4:00 am on Friday Apr. 13 at the called party's location" (see Specification, page 9,

lines 19-21). It was asserted in the Office Action that one of ordinary skill in the art would clearly recognize whether automatic or manual operation to provide the requested information. However, it is not clear how one of ordinary skill in the art would clearly recognize querying the originating party as to whether to display the current location information of the receiving party from Ringell when Ringell does not even disclose that the local information includes the current location information.

The other cited references do not make up for the deficiencies of Ringell as discussed above.

It was asserted in the Office Action that Brisebois discloses that the local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9). However, it is noted that in Brisebois the date refers to the date at which a message was left (see col. 3, lines 7-9), not the current date of the receiving device when the calling party originates the call.

It was asserted in the Office Action that Seppo discloses querying the originating party as to whether to display the current location information of the receiving party (see par. bridging pgs 6-7). However, it is noted that the paragraph bridging pages 6-7 of Seppo only discloses the display of the time of day of the destination area, not the location information of destination area.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

## CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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